

of the personal religious experiences of former criminals whose lives were changed by a commitment to Jesus Christ. Id. at Pp. 49-51.

Transportation¹⁸

80. Only two Joy interviews were listed as being responsive to this issue. Trinity Ex. 32, Tab B, P. 52. A five minute interview on 8/14/91 discussed possible solutions to freeway congestion in Orange County. Id. A twelve minute interview on 9/9/91 discussed side streets as an alternative to freeways. Id.

iv. Fourth Quarter 1991¹⁹

Government/State/Federal

81. No programming was listed as being responsive to this issue, which was the most important issue in the community. Trinity Ex. 32, Tab B, Pp. 66-75.

Education/Schools

82. Eight program segments that were aired were listed as being responsive to this issue.²⁰ Trinity Ex. 32, Tab B,

¹⁸ Since the quarterly report for this quarter lists six issues, six issues will be evaluated here.

¹⁹ As noted above, the issues listed in the quarterly report are not the top issues that would have been ascertained if Trinity had followed its own ascertainment procedures. This section will deal with the top issues based upon a proper application of Trinity's procedures.

²⁰ The Feedback listed as being run of 10/10/91 (Tab B, P. 66) did not in fact air. Trinity Ex. 32, Tab F, P. 1.

Pp. 66-69. The two Feedback programs dealing with "Link Line" mentioned with respect to the third quarter, supra, were repeated this quarter. Trinity Ex. 32, Tab B, Pp. 67-69. Three other listed programs (Joy 10/9/91, A Call to Action 10/14/91, and A Call to Action 10/28/91) dealt with the issue of religion in the public schools. Id. at Pp. 66-68. While separation of church and state was listed as a potential community issue in the fourth quarter of 1991, it did not receive a single mention. Trinity Ex. 32, Tab E, P. 4. None of the program synopses indicate that any information specific to the WHSG-TV service area was provided or that anyone from that service area was a host or guest on the program. Trinity Ex. 32, Tab B, Pp. 66-69.

Crime

83. No programming responsive to this issue was listed. Trinity Ex. 32, Tab B, Pp. 66-76.

Drug/Alcohol Abuse

84. Six aired programs²¹ are listed as being responsive to this issue. Id. at Pp. 72-74. Three of the programs (The 700 Club 11/20/91 and 11/14/91, Treasures Out of Darkness, 10/19/91) feature the stories of ex-addicts and their religious experiences. Id. The Joy interview listed as

²¹ The quarterly report lists a Treasures Out of Darkness program as having aired twice on 11/18/91. Tab B, P. 73. That program did not air. Trinity Ex. 32, Tab F, P. 1.

running on 10/14/91 discussed a rehabilitation center that is not shown to be located in Georgia. Id. at 73-74.

Housing

85. No programming responsive to this issue was listed. Id. at 66-75.

v. First Quarter 1992

Crime

86. Only two Joy interviews were listed as being responsive to this issue - an interview with a representative of the Orange County (California) Human Relations Commission concerning hate crimes, and an interview with the creator of programs for Hispanics in some undisclosed location. Trinity Ex. 32, Tab B, P. 88.

Government/State/Federal

87. No programming responsive to this issue was listed. Id. at Pp. 88-104.

Education/Schools

88. Five aired programs²² were listed as being responsive to this issue. Trinity Ex. 32, Tab B, Pp. 88-90. A Joy interview on 1/14/92 with a representative of California Home Educators discussed home education. Id. at P. 89. A

²² One program listed in this section of the quarterly report did not air. A Call to Action listed as running on 1/1/92 and 1/5/92 (Tab B, Pp. 88-89) did not air. Trinity Ex. 32, Tab F, P. 2.

Feedback on 2/20/92 discussed "how to make a difference in the local community (i.e., Miami) by helping those who have problems reading." Id. A Call to Action #107 and Joy on 2/20/92 discussed religion in the public schools. Id. at Pp. 89-90. Separation of church and state did not receive a single mention as an important community issue in this quarter. Joint Ex. 5, Attachment 2. Finally, there was a 700 Club interview of eight minutes with the Secretary of Education on 2/12/92. Trinity Ex. 32, Tab B, P. 90.

Health Care

89. While Trinity listed many programs as being responsive to this issue, none of the program synopses show that any information specific to the health care situation in the WHSG-TV service area was provided or that any person from the service area appeared on any of these programs. Id. at Pp. 90-95, 97-100.²¹

²¹ Certain programs listed in this section did not run at some of the indicated times. Calling Dr. Whitaker episode no. 491 did not air on 2/12/92 at 2:00 a.m. On 2/25/92 at 11:30, episode no. 492 of that series ran (as opposed to the indicated episode no. 493). Episode no. 88 of The Doctor and the Word did not air on 3/30/92 at 11:30 a.m. Trinity Ex. 32, Tab F, P. 2.

Drug/Alcohol Abuse

90. With three exceptions, the aired programs²² listed as being responsive to this issue are the recitation of the personal religious experiences of former addicts. Trinity Ex. 32, Tab B, Pp. 96, 100-104. Two of the three exceptions are Feedback episodes discussing a counselling program apparently located in the Miami area. Id. at Pp. 100-101.²³ The third exception is an interview about the experiences of a former narcotics officer. Id. at P. 101.

f. Public Witness Testimony

91. The record does not contain any public witness testimony.

g. Community Involvement

92. The record does not contain any evidence of community involvement by Trinity within the WHSG-TV service area during the renewal period.

h. Record of Compliance With Commission Rules and Policies

93. Glendale incorporates by reference the "Proposed Findings of Fact and Conclusions of Law" it filed on August 15, 1994 and the "Reply to Proposed Findings of Fact and

²² The 700 Club program listed as airing on 1/16/92 (Tab B, Pp. 102-103) did not air. In addition, Praise the Lord #0219-92 did not air on 2/19/92. Trinity Ex. 32, Tab F, P. 2.

²³ While Feedback #195 seems to be listed under health care, the clear subject of the program is alcohol abuse.

Conclusions of Law" being filed on October 7, 1994 in MM Docket No. 93-75 with respect to the qualifications issues specified against Trinity Broadcasting of Florida, Inc. (TBF) in that proceeding.

3. Media Interests²⁴

94. Trinity has the following media interests:

Full Power Television and Radio Stations:²⁵

- (1) KTBN-TV, Santa Ana, California (license acquired August 2, 1974;
- (2) WDLI(TV), Canton, Ohio (license acquired April 16, 1986);
- (3) WHSG-TV, Monroe, Georgia (CP acquired December 28, 1989); and,
- (4) KGHO(AM/FM), Hoquiam, Washington (License acquired March 29, 1989)

Television Translator Stations:²⁶

- | | | |
|------|------------|-------------------------|
| (1) | W41BN | Dothan, Alabama |
| (2) | W64DJ | Scottsboro, Alabama |
| (3) | W52BC | Selma, Alabama |
| (4) | K20CZ (CP) | Bullhead City, Arizona |
| (5) | K63DK | Globe, Arizona |
| (6) | K38CX | Shonto/Tonalea, Arizona |
| (7) | K42BS | Fayetteville, Arkansas |
| (8) | K27DI | Fort Smith, Arkansas |
| (9) | K43CJ | Mountain Home, Arkansas |
| (10) | K57FD | Atwater, California |
| (11) | K55CN | Bakersfield, California |

²⁴ The citation for all the findings in this section is Joint Ex. 1.

²⁵ TBN is also the licensee of an international short wave radio station, KTBN, Salt Lake City, Utah.

²⁶ Authorizations which have not yet been constructed are denoted with a "CP."

(12)	K42DT	(CP)	Coalinga, California ²⁷
(13)	K60BB		Desert Hot Springs, California
(14)	K47EH	(CP)	Eureka, California ²⁸
(15)	K54DN		Lancaster, California
(16)	K53DT		Monterey, California
(17)	K66BM		Palm Springs, California
(18)	K15CO		Porterville, California
(19)	K65DJ		Redding, California
(20)	K27EG		Ridgecrest, California
(21)	K69FB		Sacramento, California
(22)	K15DB	(CP)	Santa Barbara, California
(23)	K43CA	(CP)	Twentynine Palms, California ²⁹
(24)	K33BT		Victorville, California
(25)	K25DO		Ventura, California
(26)	K33DN		Denver, Colorado
(27)	K47AQ		Denver, Colorado
(28)	K48CG		Loveland, Colorado
(29)	W67BG		Dover, Delaware
(30)	W60BK		Dunedin, Florida
(31)	W67BY		Fort Myers, Florida
(32)	W23AQ		Lake City, Florida
(33)	W58BK	(CP)	Naples, Florida
(34)	W19AZ	(CP)	Okeechobee, Florida
(35)	W17BO		Sebring, Florida
(36)	W68CF		Tampa, Florida
(37)	W23AC		Albany, Georgia
(38)	W65BI		Augusta, Georgia
(39)	W33AL		Brunswick, Georgia
(40)	W19BP	(CP)	Luella, Georgia
(41)	W55BM		Marietta, Georgia
(42)	W67BJ		Savannah, Georgia
(43)	W20BF	(CP)	Tifton, Georgia ³⁰
(44)	W66BW		Valdosta, Georgia
(45)	W46BZ	(CP)	Waycross, Georgia
(46)	K47BE		Boise, Idaho
(47)	K16CQ		Twin Falls, Idaho
(48)	K15DG		Pocatello, Idaho
(49)	W34AY		Champaign, Illinois
(50)	W29BG		Decatur, Illinois
(51)	W30AW	(CP)	Elgin, Illinois
(52)	W36AO		Palatine, Illinois
(53)	W22AJ		Waukegan, Illinois

²⁷ Formerly, K53AT, Buellton, California

²⁸ Formerly, K30CC, Alturas, California

²⁹ Formerly, K43CA, Quartzite, Arizona

³⁰ Formerly W39BJ, Waycross, Georgia

(54)	W38BK		Evansville, Indiana
(55)	W36AR		Lafayette, Indiana
(56)	W24AI	(CP)	Elkhart, Indiana ³¹
(57)	W65BK		Terre Haute, Indiana
(58)	W61FF		Cedar Rapids, Iowa
(59)	K58BX		Davenport, Iowa
(60)	K42AM		Ottumwa, Iowa
(61)	K65BY		Waterloo, Iowa
(62)	K25DS		Junction City, Kansas
(63)	K31BW		Manhattan, Kansas
(64)	K15CN		Salina, Kansas
(65)	K21AP		Topeka, Kansas
(66)	K59DA		Wichita, Kansas
(67)	W41AZ		Corbin, Kentucky
(68)	W62BH		Hopkinsville, Kentucky
(69)	K56DR		Baton Rouge, Louisiana
(70)	K45DI		Mermentau, Louisiana
(71)	K49DE	(CP)	New Iberia, Louisiana ³²
(72)	K59DG		New Orleans, Louisiana
(73)	W65CE		Shreveport, Louisiana
(74)	W63BR	(CP)	York Center, Maine
(75)	W51AG		Presque Isle, Maine
(76)	W16AE		Cresaptown, Maryland
(77)	W42AU	(CP)	Pittsfield, Massachusetts
(78)	W66BV		Detroit, Michigan
(79)	W19BA		Grand Rapids, Michigan
(80)	W29BE		Muskegon, Michigan
(81)	K58CM		Duluth, Minnesota
(82)	K58BS		Minneapolis, Minnesota
(83)	K60DS		Rochester, Minnesota
(84)	K19BG		St. Cloud, Minnesota
(85)	W29BH		Biloxi, Mississippi
(86)	W31AG		Clarksdale, Mississippi
(87)	W25AD		Columbus, Mississippi
(88)	W25BA		Grenada, Mississippi
(89)	W09AU	(CP)	Greenville, Mississippi ³³
(90)	W36AC		McComb, Mississippi
(91)	W63BK	(CP)	Meridian, Mississippi ³⁴
(92)	W58BO		Natchez, Mississippi
(93)	W46AV		Pascagoula, Mississippi
(94)	K56AU		Columbia, Missouri
(95)	K39CP		Poplar Bluff, Missouri

³¹ Formerly W24AI, Michigan City, Indiana

³² Formerly K49DE, Lafayette, Louisiana

³³ Formerly W09AU, Laurel, Mississippi

³⁴ Formerly W63BK, Pensacola, Florida

(96)	K49DG	(CP)	Springfield, Missouri
(97)	K52DH		Springfield, Missouri
(98)	K34BR		St. Charles, Missouri
(99)	K18BT		St. Louis, Missouri
(100)	K53DW		Great Falls, Montana
(101)	K41CX		Helena, Montana
(102)	K26DD		Kalispell, Montana
(103)	K39AJ		Malcolm, Nebraska
(104)	K26CV		Ogallala, Nebraska
(105)	K19CU		Carson City, Nevada
(106)	K57FA		Las Vegas, Nevada
(107)	K45AV		Reno, Nevada
(108)	W36BJ		Atlantic City, New Jersey
(109)	K18CT		Raton, New Mexico
(110)	W64BH		Albany, New York
(111)	W14AH		Binghamton, New York
(112)	W14AZ		Glen Falls, New York
(113)	W44BG	(CP)	Ithaca, New York
(114)	W10BH		Jamestown, New York
(115)	W22AZ		Olean, New York
(116)	W41AE		Utica, New York
(117)	W68BL		Charlotte, North Carolina
(118)	W53BE	(CP)	Fayetteville, North Carolina
(119)	W59BA		Goldsboro, North Carolina
(120)	W54BR	(CP)	Greenville, North Carolina
(121)	W21BL	(CP)	Jacksonville, North Carolina ³⁵
(122)	W52BM	(CP)	Lumberton, North Carolina
(123)	W38BB		Raleigh, North Carolina
(124)	W66BT		Statesville, North Carolina
(125)	W20AL		Wilmington, North Carolina
(126)	K56ET	(CP)	Fargo, North Dakota
(127)	K22DQ		Grand Forks, North Dakota
(128)	K40DE		Williston, North Dakota
(129)	W40AE		Chillicothe, Ohio
(130)	W68BP		Dayton, Ohio
(131)	W51BI	(CP)	Kirtland, Ohio
(132)	W32AR		Lexington, Ohio
(133)	W21AI		Portsmouth, Ohio
(134)	W47BC		Springfield, Ohio
(135)	W39AI		Youngstown, Ohio
(136)	W36AY		Zanesville, Ohio
(137)	K44BQ		Ardmore, Oklahoma
(138)	K27AZ		Lawton, Oklahoma
(139)	K33AG		Bend, Oregon
(140)	K33AO		Coos Bay, Oregon
(141)	K59DU		Grants Pass, Oregon
(142)	K58BG		Klamath Falls, Oregon
(143)	K21BC		Lakeview, Oregon

³⁵ Formerly W54BI, Georgetown, South Carolina

(144)	K57EK		Medford, Oregon
(145)	K14HA		Roseburg, Oregon
(146)	W44AG		Erie, Pennsylvania
(147)	W52BO		Meadville, Pennsylvania
(148)	W65CG	(CP)	Pittsburgh, Pennsylvania
(149)	W42BJ		State College, Pennsylvania
(150)	W11BC		Williamsport, Pennsylvania
(151)	W40AW	(CP)	Beaufort, South Carolina
(152)	W44AX		Charleston, South Carolina
(153)	W66BJ		Myrtle Beach, South Carolina
(154)	K20DA		Aberdeen, South Dakota
(155)	K15CW		Brookings, South Dakota
(156)	K38CQ		Huron, South Dakota
(157)	K27DB		Madison, South Dakota
(158)	K63EE	(CP)	Mitchell, South Dakota
(159)	K33CO		Rapid City, South Dakota
(160)	K51EE		Sioux Falls, South Dakota
(161)	K31DP		Yankton, South Dakota
(162)	W46AJ		Cookeville, Tennessee
(163)	W66AZ		Farragut, Tennessee
(164)	W35AH		Jackson, Tennessee
(165)	W31AS		Morristown, Tennessee
(166)	K51CK		Abilene, Texas
(167)	K63DR		Austin, Texas
(168)	K26AP		Brownwood, Texas
(169)	K47ED		College Station, Texas
(170)	K57FC	(CP)	Corpus Christi, Texas
(171)	K46DL	(CP)	Kingsville, Texas ³⁶
(172)	K53EH	(CP)	Lubbock, Texas
(173)	K17BP		Palestine, Texas
(174)	K42DA		Paris, Texas
(175)	K20BW		San Antonio, Texas
(176)	K33CK		San Antonio, Texas
(177)	K15BV		Uvalde, Texas
(178)	K43DV		Victoria, Texas
(179)	K64CJ		Ogden, Utah
(180)	K39AK		Vernal, Utah
(181)	W16AL	(CP)	Burlington, Vermont
(182)	W32BA		Lynchburg, Virginia
(183)	W49AP		Roanoke, Virginia
(184)	W24OI	(CP)	Virginia Beach, Virginia ³⁷
(185)	K23AS		Aberdeen, Washington
(186)	K36DG		Longview, Washington
(187)	K55EB		Spokane, Washington
(188)	K57FJ	(CP)	Spokane, Washington
(189)	W39AZ		Parkersburg, West Virginia

³⁶ Formerly K62DY, Port Lavaca, Texas

³⁷ Formerly, W24OI, Norfolk, Virginia

(190)	W68BS	Green Bay, Wisconsin
(191)	W19BH	Janesville, Wisconsin
(192)	W33AX	Madison, Wisconsin
(193)	W42AF	Ripon, Wisconsin
(194)	W20AG	Sheboygan, Wisconsin
(195)	W55BY (CP)	Waupaca, Wisconsin
(196)	K35CN	Green River, Wyoming

95. Trinity also operates a cable television program service which reaches nearly 25,000,000 homes throughout the country via Trinity's uplink satellite facilities.

96. Paul F. Crouch, who is president and a director of Trinity, is also the president and a director of the following corporations, all of which are non-profit, non-stock corporations operating as tax-exempt public charities:

Trinity Broadcasting of Arizona, Inc., ("TBA"),
licensee of:

Full Power Television Station

KPAZ-TV, Phoenix, Arizona (license acquired
July 21, 1977)

Television Translator Stations:

(1)	K58AV	Cottonwood, Arizona
(2)	K62BA	Flagstaff, Arizona
(3)	K56ED	Tucson, Arizona
(4)	K57BD	Tucson, Arizona

Trinity Broadcasting of Denver, Inc., licensee of low power television station K57BT, Denver, Colorado.

Trinity Broadcasting of Florida, Inc., licensee of full power television station WHFT-TV, Miami, Florida (license acquired July 1980).

Trinity Broadcasting of Washington, Inc., licensee of full power television station KTBW-TV, Tacoma, Washington (license acquired November 30, 1984).

Trinity Broadcasting of Indiana, Inc., licensee of full power television stations:

WKOI(TV), Richmond, Indiana (CP acquired May 19, 1980): and,

WCLJ(TV), Bloomington, Indiana (CP acquired August 12, 1986)

Trinity Broadcasting of New York, Inc., licensee of full power television station WTBY-TV, Poughkeepsie, New York (license acquired July 13, 1982).

Trinity Broadcasting of Texas, Inc., licensee of full power television station KDTX-TV, Dallas, Texas (license acquired July 2, 1986).

Jacksonville Educators Broadcasting, Inc., licensee of:

Full Power Noncommercial Television Stations:

- (1) WTCE(TV) Fort Pierce, Florida
- (2) WJEB(TV) Jacksonville, Florida

Television Translator Stations:

- (1) W66CC Melbourne/Fellsmere, Florida
- (2) W47BG (CP) West Palm Beach, Florida

Community Educations Television, Inc., licensee of full power noncommercial television stations:

- (1) KETH(TV) Houston, Texas
- (2) KITU(TV) Beaumont, Texas
- (3) KLUJ(TV) Harlingen, Texas

National Minority TV, Inc. ("NMTV"), licensee of:

Full Power Television Station

KNMT(TV) Portland, Oregon (CP acquired December 19, 1988)

Television Translator Stations:

- (1) K33DE Little Rock, Arkansas
- (2) K56DZ Fresno, California
- (3) K21DP (CP) Sacramento, California
- (4) W40AZ Wilmington, Delaware
- (5) W22BP (CP) Thomasville, Georgia³⁸
- (6) K51EC Lake Charles, Louisiana
- (7) W18AY Portland, Maine
- (8) W20BA Massena, New York
- (9) W59CH (CP) Syracuse, New York
- (10) W24BK Columbus, Ohio
- (11) W46BX Toledo, Ohio

³⁸ Formerly W38BP, Panama City, Florida.

(12)	W68CD	Toledo, Ohio
(13)	W62BV	Charlotte, North Carolina
(14)	W51BR (CP)	Columbia, South Carolina
(15)	W66CA (CP)	Spartanburg, South Carolina
(16)	K20DM (CP)	Amarillo, Texas
(17)	K53EN (CP)	Temple, Texas
(18)	K26DL	Wichita Falls, Texas
(19)	K36CJ	Salt Lake City, Utah
(20)	W45AZ (CP)	Charleston, West Virginia
(21)	W19BK	Huntington, West Virginia
(22)	W26BG (CP)	Geneva, New York
(23)	W67DA (CP)	Richmond, Virginia

97. Jane Duff, an officer of Trinity, is also an officer and a director of National Minority TV, Inc.; Community Educational Television, Inc.; and Jacksonville Educators Broadcasting, Inc. Mrs. Duff is also an officer (assistant secretary) of: Trinity Broadcasting of Florida, Inc.; Trinity Broadcasting of Oklahoma City, Inc.; Trinity Broadcasting of Denver, Inc.; Trinity Broadcasting of Washington; Trinity Broadcasting of Indiana, Inc.; Trinity Broadcasting of New York, Inc.; Trinity Broadcasting of Arizona, Inc.; and, Trinity Broadcasting of Texas, Inc.

98. Janice W. Crouch, a director and vice president of Trinity, is also an officer and director of: Trinity Broadcasting of Florida, Inc.; Community Educational Television, Inc.; Jacksonville Educators Broadcasting, Inc.; Trinity Broadcasting of Arizona, Inc.; Trinity Broadcasting of Denver, Inc.; Trinity Broadcasting of Indiana, Inc.; Trinity Broadcasting of New York, Inc.; Trinity Broadcasting of Oklahoma City, Inc.; Trinity Broadcasting of Texas, Inc.; and, Trinity Broadcasting of Washington.

99. Norman G. Juggert, a secretary-treasurer and director of Trinity, is also an officer and director of: Trinity Broadcasting of Florida, Inc.; Trinity Broadcasting of Arizona, Inc.; Trinity Broadcasting of Denver, Inc.; Trinity Broadcasting of Indiana, Inc.; Trinity Broadcasting of New York, Inc.; Trinity Broadcasting of Oklahoma City, Inc.; Trinity Broadcasting of Texas, Inc.; Trinity Broadcasting of Washington; Jacksonville Educators Broadcasting, Inc.; and, Community Educational Television, Inc.

100. Messrs. Matthew Crouch, Terrence M. Hickey and Allan Brown are officers (assistant secretaries) but not directors of the same corporations as Dr. Paul Crouch, except Matthew Crouch is not an officer of National Minority TV, Inc.

B. Glendale Broadcasting Company

1. The Applicant

101. Glendale is a corporation organized under Delaware law. The only class of stock which is authorized is common voting stock. George Gardner is the owner of fifty-one shares of Glendale's common voting stock, and Mary Anne Adams, his daughter, is the owner of forty-nine shares of common voting stock. Ms. Adams and Mr. Gardner are the two directors of the corporation. Mr. Gardner is the President, Treasurer, and Secretary of Glendale, and Ms. Adams is the Vice President, Assistant Secretary and Assistant Treasurer. There are no

other officers, directors, or stockholders of Glendale.
Glendale Ex. 1.

2. Short-Spacing Issue

a. Background

102. Glendale has specified two transmitter sites in this proceeding. In its original application, filed on February 28, 1992, Glendale specified a site of land owned by Martha Day Bryant (the Bryant site) at coordinates 33-46-17 North Latitude 84-00-25 West Longitude. Glendale Ex. 3, P. 5, Joint Ex. 7, P. 1. In the original application, Glendale proposed to construct a 328.3 meter (1,077 foot) high tower with the overall height of the structure being 342.6 meters (1,124 feet) above ground. Joint Ex. 7, P. 1.

103. For reasons explained in greater detail below, Glendale amended its application on March 5, 1993 to specify a site owned by Clarence Hall (the Hall site). Glendale Ex. 3, P. 6, Joint Ex. 7, P. 3. The coordinates of the Hall site were 33-44-38 North Latitude, 84-00-39 West Longitude. Joint Ex. 7, P. 3. Glendale currently proposes to build a tower 317.6 meter (1,042 foot) high tower above ground with the overall height for the whole structure being 331.9 meters (1,089 feet). Id.

104. Both the Bryant site and the Hall site are near Trinity's current transmitter site for WHSG-TV. The Bryant site was approximately 3.55 kilometers (2.2 miles) north of

the WHSG tower. Glendale Ex. 3, P. 5. The Hall site is approximately one-half mile (.8 kilometers) northwest of the WHSG tower. Glendale Ex. 3, Pp. 6, 13. A map showing the proximity of all three sites is contained at Glendale Ex. 3, P. 11. A map showing the close proximity of the WHSG tower and the Hall site (Glendale's current site) is contained at Glendale Ex. 3, P. 12.

105. All three sites are short-spaced to the reference point for the educational allotment for Channel *63, Montgomery, Alabama (the Montgomery reference point). Under Section 73.610(b) of the Commission's rules, the minimum required separation between the WHSG antenna and the Montgomery reference point is 280.8 kilometers. Glendale Ex. 3, Pp. 3-4. The actual distance is 262.66 kilometers, which results in a short-spacing of 18.14 kilometers. Id. The Bryant site was 1.78 kilometers farther away from the Montgomery reference point than the WHSG tower. Glendale Ex. 3, P. 5. The Hall site is 262.40 kilometers from the Montgomery reference point, which is .26 kilometers (853 feet) closer to the Montgomery reference point than the WHSG tower. Glendale Ex. 3, Pp. 6, 12.

106. John J. Mullaney, Glendale's consulting engineer, is a broadcast engineer who has represented applicants before the Federal Communications Commission since 1977. He holds a Bachelor's degree in Electrical Engineering from the Catholic University of America. Glendale Ex. 3, P. 3. In January

1992, Mr. Mullaney determined that the short-spacing between WHSG and the Montgomery reference point developed in the following manner. The Troy State University System (Troy State) at some point held a construction permit for Channel 63 in Montgomery. Troy State modified its construction permit to specify a transmitter site at coordinates 32-17-24 North Latitude, 86-30-40 West Longitude. The site was fully-spaced to the site that became Trinity's transmitter site, and that site would have been fully-spaced to both transmitter sites specified by Glendale.³⁹ In 1990, the Commission cancelled Troy State's construction permit. Under the Commission's normal policy involving short-spacings, it should have specified Troy State's transmitter site as the reference point for the allocation. Instead, the Commission specified the original reference point in the city of Montgomery, which was now short-spaced by 18.14 kilometers to the site specified in the Monroe, GA construction permit. The Troy State transmitter site or some other properly spaced location should have been specified as the reference point because the purpose of a reference point is to ensure that an allocation is protected so that another allocation or application will not eliminate the available site area for the allocation. In this case, however, no applicant for the Montgomery channel could have specified the reference point in the city of Montgomery

³⁹ See Glendale Ex. 3, P. 15 (site labelled "Former CP site").

as the transmitter site because that point was short-spaced by 18.14 kilometers to the WHSG transmitter site. Glendale Ex. 3, P. 4.

b. Glendale's Original Site Search

107. In January 1992, Mr. Mullaney performed a study on behalf of Glendale to determine where Glendale could locate its transmitter and antenna. Glendale Ex. 3, P. 3. He determined the existence of the short-spacing between WHSG and the Montgomery reference point as well as how that short-spacing developed. Glendale Ex. 3, Pp. 3-4. Mr. Mullaney advised Glendale that it could locate its antenna less than 280.8 kilometers from the Montgomery reference point so long as it did not move closer to the Montgomery reference point than WHSG was. Glendale Ex. 3, P. 4. He believed then and believes now that that advice was consistent with Commission policy. Glendale Ex. 3, Pp. 4-5. He recommended that Glendale locate a site (1) as close as possible to WHSG's existing tower and (2) no closer to the Montgomery reference point than WHSG's tower was. Mr. Mullaney gave that advice because he knew it was difficult to get approval of the Federal Aviation Administration (FAA) for a tall television tower such as Glendale was proposing (over 1100 feet), and in his experience, the FAA was more likely to approve a tall tower if it was located close to an existing tower of similar height (such as the WHSG tower). Glendale Ex. 3, P. 5.

108. Gregory B. Daly is the owner of Telecommunications Site Acquisition, Inc. ("TelSA"). TelSA is a company that assists clients in site related tasks, including the location of antenna sites for applicants before the Federal Communications Commission ("Commission"). Mr. Daly has been involved in locating sites for applicants before the Commission since 1983, and he has located over 5,000 such sites. Joint Ex. 3, P. 1.

109. In January 1992, Mr. Lewis Cohen (Glendale's counsel), on behalf of Glendale, retained Mr. Daly's services to locate a transmitter site for an application Glendale wanted to file for a television station, channel 63, at Monroe, Georgia. Mr. Daly was informed that Glendale's application would be mutually exclusive with the application of Trinity for WHSG(TV). Joint Ex. 3, P. 1.

110. Mr. Mullaney provided Mr. Daly with a map of the area showing the location of Trinity's tower. Id. Mr. Mullaney instructed Mr. Daly to find a piece of property approximately sixteen to thirty-one acres in size as close as possible to Trinity's existing tower. Joint Ex. 3, Pp. 1-2. Mr. Mullaney also instructed Mr. Daly that the site should not be southwest of Trinity's existing tower because he did not want to increase the short-spacing that already existed between WHSG and the Montgomery reference point. Mr. Mullaney never instructed Mr. Daly to look for a site that was fully-spaced (i.e., more than 280.8 kilometers from) the Montgomery

reference point, and Mr. Daly never did so. Joint Ex. 3, P. 2.

111. In late January and early February 1992, Mr. Daly travelled to Georgia to locate a site for Glendale. He searched in the area that Mr. Mullaney instructed him to search in. He reviewed land records in three different counties. He spent five days searching for an available and suitable site. Mr. Daly attempted to contact most or all of the land owners whose parcels were large enough to accommodate Glendale's acreage requirements. Joint Ex. 3, P. 2.

112. Mr. Daly found three land owners with parcels of land large enough to accommodate Glendale's proposed tower who were willing to provide reasonable assurance of site availability. He rejected one of the three sites as unsuitable because it was too close to an airport. The second site was rejected because the land owner wanted \$800,000, or two to three times the market value of the property, for his land. Mr. Daly selected the third site (the Bryant site) which was suitable. Glendale's original application specified the Bryant site as its transmitter site. Joint Ex. 3, P. 2.

c. Glendale's FAA Problems and the Hall Site

113. John P. Allen is a professional aeronautical consultant whose qualifications are a matter of record in the Commission's files. Joint Ex. 2, P. 1. In February 1992, at Mr. Mullaney's suggestion, Glendale retained Mr. Allen to

perform an aeronautical study for Glendale's proposed tower at the Bryant site. Id., Glendale Ex. 3, P. 5, Joint Ex. 7, Pp. 1-2. In February 1992, Mr. Allen conducted a preliminary study which led him to believe that the FAA would issue a determination of no hazard to air navigation for the proposed tower. Glendale Ex. 3, P. 5. On February 19, 1992, Mr. Allen filed a Notice of Proposed Construction or Alteration for Glendale's proposed tower with the Federal Aviation Administration ("FAA"). Because Glendale's proposed tower was over 500 feet high above ground, at that time Mr. Allen requested that an aeronautical study be conducted. Joint Ex. 2, P. 1.

114. In mid-September 1992, Mr. Allen received a call from Robert Shipp of the FAA, who informed him that the comments received as part of the aeronautical study involving Glendale's proposed construction had alleged the existence of a Visual Flight Rules ("VFR") route near the proposed tower. A VFR route is a route used by pilots who are navigating by visual landmarks. There was no way for Mr. Allen to determine the existence of that VFR route when he filed the Notice of Proposed Construction of Alteration with the FAA in February 1992. Because there is no map or other documents which show the location of VFR routes, Mr. Allen asked the FAA to perform a radar study to determine whether the alleged VFR route actually existed. The FAA performed such a study, which concluded that the VFR route did exist. Joint Ex. 2, P. 1.

115. In subsequent discussions with Mr. Shipp of the FAA, Mr. Allen attempted to persuade him that the FAA should approve the proposed tower because it would have no greater effect on the VFR route than the existing 1,149 foot tower which was used by Trinity. Joint Ex. 2, P. 2. Mr. Mullaney also talked to Mr. Shipp. Glendale Ex. 3, P. 5. The FAA rejected that argument because it was concerned about the existence of a "goal post" situation where planes using the VFR route would have to fly in between the Trinity tower and Glendale's proposed tower. Mr. Shipp told Mr. Allen the FAA would issue a determination of hazard to air navigation unless Glendale moved its tower to a new location aligned so that the two towers would form a line parallel to the VFR route on a northwest or southeast direction. Joint Ex. 2, P. 2. After a series of negotiations, the FAA said it would accept a tower within 2,000 feet to the northwest or southeast of the WHSG tower. Glendale Ex. 3, Pp. 5-6.

116. Mr. Mullaney informed Mr. Daly that the FAA had rejected the Bryant site, and Mr. Daly was again retained by Glendale to locate another transmitter site. Joint Ex. 2, Pp. 2-3, Glendale Ex. 3, P. 6. Mr. Mullaney instructed Mr. Daly that to obtain FAA approval, the site had to be located as close (preferably no more than 2,000 feet) as possible to Trinity's tower, and either northwest or southeast of that tower. The only available site Mr. Daly could locate which

met Mr. Mullaney's search parameters was the Hall site. Joint Ex. 3, P. 3.

117. Mr. Daly was not instructed to search for a fully-spaced site (i.e., a site more than 280.8 kilometers from the Montgomery reference point), and he did not make any such search. Joint Ex. 3, P. 3. At that point in time, it was not practical for Glendale to specify a fully-spaced site. Glendale Ex. 3, P. 6. If Glendale had attempted to propose a new tower site more than one mile from its original site or the Trinity tower, the FAA would have required Glendale to submit a new Notice of Proposed Construction or Alteration and would have conducted a new aeronautical study, including the solicitation and review of new comments from the aeronautical community. Such a study would have taken several months to complete, and there would always be a possibility that the FAA would reject the new tower construction proposal because of another VFR route or adverse comments from the aeronautical community. Joint Ex. 2, P. 2. The only circumstances where no FAA notice or approval are required are: (1) when construction is done on an existing tower (such as a side-mounting of a new antenna); and (2) when the proposed tower is less than 200' above ground level. Joint Ex. 2, Pp. 2-3, see also Glendale Ex. 3, P. 6. Mr. Mullaney knew that the Commission requires applicants to amend their applications promptly to resolve any problems with their applications. Glendale Ex. 3, P. 6.

118. On November 22, 1992, Mr. Allen notified the FAA that Glendale proposed a 1,089 foot tower at the Hall site. Joint Ex. 2, P. 3. On December 16, 1992, the FAA issued a Determination of No Hazard to Air Navigation for that proposed tower. That determination became final on January 25, 1993. Joint Ex. 3, P. 3, Glendale Ex. 3, P. 6. Glendale amended its application on March 5, 1993 to specify the Hall site as its transmitter site. Glendale Ex. 3, P. 6, Joint Ex. 7, P. 3.

d. The Hall Site and the WHSG Site Compared

119. The WHSG site is 262.66 kilometers from the Montgomery reference point, while the Hall site (Glendale's current site) is 262.40 kilometers from the Montgomery reference point (a difference of .26 kilometers, or 853 feet). Glendale Ex. 3, Pp. 6, 12-14. The 0.26 kilometer difference in distance is less than one-thousandth of the total difference between the Montgomery reference point and either the WHSG site or the Hall Site. The extra 0.26 kilometers makes no discernable impact on the Montgomery allocation over and above the impact already caused by the WHSG site. While WHSG currently operates with a directional antenna 1190 feet above average terrain and a maximum effective radiated power of 5,000 kw, there is no Commission rule or policy that would prevent Trinity from increasing the height of its antenna to the maximum HAAT permitted by the Commission's rules (1968 feet HAAT) despite the existing short-spacing of 18.14

kilometers to the Montgomery reference point. Glendale Ex. 3, P. 7.

e. Equivalent Protection and Lack of Interference

120. Glendale's proposal would provide greater protection to the Montgomery allocation than a hypothetical fully-spaced station operating with the maximum facilities permitted by the Commission's rules. The Commission's spacing requirements are based upon the determination that a station will cause objectionable interference to a second station operating on the same channel at locations where the first station's signal is more than 28 dBu stronger (F50,10). Since a UHF station's protected contour is the 64 dBu contour (F50,50) the appropriate interference contour is the 36 dBu contour (F50,10). Glendale Ex. 3, P. 7. Because Glendale is using a directional antenna, its ERP in the direction of the Montgomery allocation is less than 4,000 kw. Glendale Ex. 3, Pp. 7-8. Its antenna is also considerably lower (over 780 feet lower) than the maximum height permitted by the Commission's rules. For these reasons, Glendale's 36 dBu contour extends at least 26 kilometers less than the 36 dBu contour of a station proposing maximum facilities. Suppose an applicant proposed to build a station with maximum facilities on Channel 63, 20 kilometers away from Glendale's proposed station and more than 280.8 kilometers from the Montgomery reference point. That facility's co-channel interference 36